

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 21-MJ-8011-BER

UNITED STATES OF AMERICA

v.

Oscar Daniel MARTINEZ-Nunez,

Defendant.



CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia Valle)? Yes No
2. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? Yes No
3. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? Yes No

Respectfully submitted,

ARIANA FAJARDO ORSHAN
UNITED STATES ATTORNEY

BY:

ADAM C. McMICHAEL
ASSISTANT UNITED STATES ATTORNEY

Florida Bar No. 0772321
500 South Australian Avenue, Suite 400
West Palm Beach, Florida 33401

Tel: (561) 820-8711
Fax: (561) 820-8777
Email: adam.mcmichael@usdoj.gov

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America)
 v.)
 Oscar Daniel Martinez-Nunez,) Case No. 21-MJ-8011-BER
 a/k/a "Fresa")
)
)
)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September - November 27, 2020 in the county of Palm Beach in the
Southern District of Florida, the defendant(s) violated:

Code Section

Offense Description

20 U.S.C. §§ 846, 841(a)(1) and
 841(b)(1)(A)(viii) Conspiracy to possess with intent to distribute 500 grams or more of a
 mixture or substance containing a detectable amount of methamphetamine,
 its salts, isomers, and salts of its isomers.

This criminal complaint is based on these facts:

See attached affidavit in support of criminal complaint

Continued on the attached sheet.


 Complainant's signature

Rey Paniagua, Task Force Officer, DEA

Printed name and title


 Bruce E. Reinhart
 Judge's signature

Subscribed and Attested to me by Applicant on
 this 19 day of January, 2021 by Telephone
 (Facetime) per Fed. R. Crim. P. 4(d) and 4.1

Date: 1/19/21

City and state: West Palm Beach, Florida

Bruce E. Reinhart, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Rey Paniagua, a Task Force Officer with the United States Drug Enforcement Administration (DEA), United States Department of Justice, having been duly sworn, depose and state as follows:

Introduction

1. This affidavit is submitted in support of a criminal complaint charging **Oscar Daniel MARTINEZ-Nunez, a/k/a "Fresa,"** with conspiracy to possession with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, its salts, isomers and salts of its isomers, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 846, 841(a)(1) and (b)(1)(A)(viii).

2. As a Task Force Officer of the United States Department of Justice, I am authorized to conduct criminal investigations of violations of Title 21 of the United States Code. Your affiant is a sworn Deputy Sheriff with the Palm Beach County Sheriff's Office (PBSO) and has served in that capacity since 2000. Your affiant is currently assigned to PBSO Narcotics Division and from there to the DEA Task Force. Your affiant has successfully completed the Criminal Justice Standards and Training Police Academy and is certified by the Criminal Justice Standards and Training Commission as a Law Enforcement Officer.

3. I have received extensive training in conducting narcotics investigations and in identifying the means and methods used by narcotics traffickers. I have conducted or participated in numerous investigations of this nature. I have received extensive training in conducting narcotics investigations and in identifying the means and methods used by narcotics traffickers. I have conducted or participated in numerous investigations of this nature. Much of this training and experience has been directed at the detection, investigation, seizure and prosecution of

individuals involved in the manufacture, possession and distribution of controlled substances. Through my training, education and experience, which has included debriefing cooperating drug traffickers, monitoring wiretapped conversations of drug traffickers, acting in an undercover capacity, conducting searches of locations where drugs and money have been found, and conducting surveillance on individuals engaged in drug trafficking I have learned the various methods, packaging materials, and actions that drug traffickers utilize to conduct their illegal business and in their efforts to thwart law enforcement. Since approximately 2002 I have been personally involved in hundreds of investigations of Mexican related drug trafficking conspiracies. I have reviewed hundreds of hours of prior audio-recorded conversations in English and Spanish during those investigations, from both Court-authorized wiretaps and consensually recorded conversations. I have acted as an undercover agent and conducted more than 100 meetings and controlled drug transactions myself, on behalf of law enforcement.

4. The information contained in this affidavit is based on my own personal knowledge as well as information imparted to me from other law enforcement officers and agents. This affidavit is submitted for the limited purpose of establishing probable cause. It does not purport to describe everything known to your affiant concerning the investigation.

PROBABLE CAUSE

5. On September 7, 2020, a confidential source provided Oscar Daniel MARTINEZ-Nunez, known as “Fresa,” (hereinafter “MARTINEZ-Nunez”) with the telephone number of an undercover police officer whom the confidential source indicated was a narcotics customer. Less than an hour later, the undercover officer received a telephone call from telephone number (***)-***-1819. The undercover officer did not answer the call, but rather, the undercover officer returned the telephone call approximately 10 minutes later. During the return telephone call, the

undercover officer was able to communicate directly with MARTINEZ-Nunez, a/k/a “Fresa.” The call was conducted in Spanish and recorded.

6. MARTINEZ-Nunez and the undercover officer coordinated a drug transaction to take place the following day, September 8, 2020. The two agreed to meet somewhere between West Palm Beach, Florida and Orlando, Florida. During the call, MARTINEZ-Nunez stated that he was going to call his “muchacho” and then call the undercover officer back. Based upon my training, experience, and involvement in this investigation, I know the word “muchacho” is Spanish and translates to “boy” or “young man,” but believe MARTINEZ-Nunez used the term to mean a courier.

7. On September 8, 2020, at approximately 10:16 a.m., the undercover officer received an incoming text message from MARTINEZ-Nunez using telephone number (***)-***-1819. The text message read; “5870 Okeechobee Rd Fort Pierce, FL 34947.” The undercover officer understood the message to be the address where the drug transaction was to take place. Investigation further determined that the address belonged to a RaceTrac gas station in Fort Pierce, Florida, east of Interstate 95 and within the Southern District of Florida.

8. On September 8, 2020, at approximately 1:37 p.m., the undercover officer placed an outgoing telephone call to MARTINEZ-Nunez. The undercover officer informed MARTINEZ-Nunez that he was turning into the meet location. MARTINEZ-Nunez replied that his courier was at the gas station and that the undercover officer should park behind him at pump number 20. Thereafter, the undercover officer, who had arrived at the RaceTrac gas station, observed a white Ford pick-up truck at the pumps. The undercover officer then parked behind the pickup truck as instructed by MARTINEZ-Nunez. The undercover officer then relocated and parked beside the white Ford pick-up truck and observed a Hispanic male exit the white Ford pick-up truck carrying

something hidden under his sweater. The Hispanic male entered the undercover officer's vehicle and handed over a plastic shopping bag. Inside the shopping bag was another plastic bag with a heat seal. Once the heat-sealed bag was opened, the undercover officer observed what appeared to be crystal methamphetamine wrapped in clear cellophane. In exchange, the undercover officer gave the Hispanic male \$7,500 in United States currency and instructed him to count it and make sure the amount was correct. Thereafter, the Hispanic male confirmed the correct payment was made and returned to the white Ford pick-up truck. The transaction with the Hispanic Male was video recorded.

9. Law enforcement conducted a field test of the substance contained in the heat-sealed bag. The substance tested positive for the presence of methamphetamine. The substance was also weighed and determined to weigh approximately 517 grams. Currently, lab testing by DEA concerning the quality of the methamphetamine is pending.

10. On September 8, 2020, at approximately 1:46 pm, the undercover officer called MARTINEZ-Nunez at (***)-***-1819 and informed him that the deal was finished. MARTINEZ-Nunez replied, "what I say, it is what it is," Based upon my training and experience, I believe that MARTINEZ-Nunez was referring to the narcotics transaction and the quality of the narcotics. The undercover telephone call was recorded.

11. On October 15, 2015, at approximately 7:24 p.m., the undercover officer placed a telephone call to MARTINEZ-Nunez at (***)-***-1819. During the call, the undercover officer asked MARTINEZ-Nunez for the price of a whole kilogram of crystal methamphetamine. MARTINEZ-Nunez asked the UC how much the UC was willing to pay for it. The UC told MARTINEZ-Nunez that he was going to need a kilogram of crystal methamphetamine and an ounce sample of "Chinese Food" referring to heroin for the next week.

12. Through additional telephone calls and text messages, MARTINEZ-Nunez agreed to do a second drug transaction for a kilogram of methamphetamine for \$12,500. Like before, the undercover officer negotiated directly with MARTINEZ-Nunez to purchase the kilogram of crystal methamphetamine.

13. On October 22, 2020, at approximately 9:18 pm, the undercover officer placed an outgoing call to MARTINEZ-Nunez, at telephone number (***)-***-1819. During the call, the undercover officer asked MARTINEZ-Nunez to let him know once his courier was on his way. MARTINEZ-Nunez told the UC that he had already instructed the courier to meet at 1:00 pm. A few hours later, at approximately 12:55 pm, the undercover officer received an incoming call from MARTINEZ-Nunez, using telephone number (***)-***-1819. During the call, MARTINEZ-Nunez stated his courier was at the meet location, which was the Pollo Tropical located at 2611 Okeechobee Boulevard, West Palm Beach, Florida within the Southern District of Florida.

14. On the same date, at approximately 1:53 pm, the undercover officer arrived at the Pollo Tropical. Upon arrival, the undercover officer sent a texted message to MARTINEZ-Nunez to let him he arrived. A couple minutes later, the undercover officer observed the same Hispanic male walk out of the Pollo Tropical restaurant and walk towards a white Ford pickup truck. The undercover officer drove closer to the white pickup truck, where he observed the Hispanic male get a white plastic shopping bag from the front.

15. The Hispanic male got into the undercover officer's vehicle and handed over the white plastic bag. The undercover officer opened the bag and observed a Capri juice carton box containing a bundle of suspected crystal methamphetamine wrapped in clear plastic and a food container inside a clear heat sealed bag. The food container also contained suspected crystal methamphetamine. While the undercover officer was examining the suspected crystal

methamphetamine, the Hispanic male stated that he could not bring the sample of heroin because the last kilogram had been sold that morning to another individual.

16. The undercover officer paid the Hispanic male \$12,500 in United States currency and stated that he had agreed upon the price with MARTINEZ-Nunez. The Hispanic male confirmed and counted the money. During the meeting, the Hispanic male told the undercover officer that he would tell MARTINEZ-Nunez to give the undercover officer a better price if he ordered larger amounts. After the transaction was completed, the Hispanic male exited the vehicle and walked back to his white Ford pickup truck.

17. Law enforcement conducted a field test of the crystal methamphetamine that was obtained by the undercover officer on October 22, 2020. The crystal methamphetamine tested positive for the presence of methamphetamine. The substance was also weighed and determined to weigh approximately 1111.6 grams. Currently, lab testing by DEA concerning the quality of the methamphetamine is pending.

18. During the investigation, law enforcement determined that MARTINEZ-Nunez was living in Wisconsin while he coordinated the delivery of methamphetamine to the undercover officer in South Florida. In November 2020, MARTINEZ-Nunez told the undercover officer that he would be traveling to Orlando, Florida. MARTINEZ-Nunez discussed meeting with the undercover officer in person and agreed to do so.

19. On November 27, 2020, the undercover officer and MARTINEZ-Nunez arranged to meet at the Florida's Turnpike, West Palm Beach Service Plaza, which is located in Palm Beach County and within the Southern District of Florida. On the same date, at approximately, 12:10 pm, the undercover officer met in person with MARTINEZ-Nunez at the service plaza. The meeting took place inside the undercover officer's vehicle in which MARTINEZ-Nunez sat in the front

passenger seat. The undercover officer was able to positively identify MARTINEZ-Nunez based upon previously photographs obtained of him through the investigation, including a booking photograph from an arrest for DUI that occurred on August 28, 2020, in Freeport, Illinois. During the meeting, the undercover officer and MARTINEZ-Nunez discussed purchasing additional kilograms of crystal methamphetamine in the future.

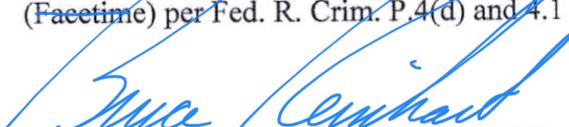
20. Based on the foregoing, your affiant respectfully submits that there is probable cause to charge MARTINEZ-Nunez with conspiracy to possess with intent to distribute crystal methamphetamine, a Schedule I controlled substance in violation of Title 21, United States Code, Sections 846, 841(a)(1) and (b)(1)(A)(viii).

FURTHER YOUR AFFIANT SAITH NAUGHT.



Rey Paniagua, Task Force Officer, DEA

Sworn to and Attested to me by Affiant on
this 19 day of January 2021, by Telephone
(Facetime) per Fed. R. Crim. P.4(d) and 4.1



HON. BRUCE E. REINHART
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

AMENDED PENALTY SHEET

CASE NO. 21-MJ-8011-BER

Defendant's Name: Oscar Daniel Martinez-Nunez,
a/k/a "Fresa",

COUNT	VIOLATION	U.S. CODE	MAX. PENALTY
1	Conspiracy to possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers.	20 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(A)(viii)	Not less than 10 years' and up to Life imprisonment \$10,000,000 fine Not less than 5 years' and up to Life supervised release \$100 Special Assessment

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

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v.

Oscar Daniel Martinez-Nunez, a/k/a "Fresa"

Defendant.

)

Case No.

21-MJ-8011-BER

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
 (name of person to be arrested) Oscar Daniel Martinez-Nunez, a/k/a "Fresa",
 who is accused of an offense or violation based on the following document filed with the court:

Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Conspiracy to possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, in violation of 20 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(A)(viii).

Date: 1/19/21

 Issuing officer's signature
City and state: West Palm Beach, Florida

Hon. Bruce E. Reinhart, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

21-MJ-8011-BER

This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.

(Not for Public Disclosure)

Name of defendant/offender: Oscar Daniel Martinez-Nunez, a/k/a "Fresa"

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: 1611 Joliet Street, Janesville, WI

Last known employment: _____

Last known telephone numbers: _____

Place of birth: Mexico

Date of birth: 02/26/1999

Social Security number: None

Height: 5'7" Weight: 140 lbs

Sex: Male Race: Hispanic

Hair: Black Eyes: Brown

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (name, relation, address, phone number): Nancy Sanchez Arreola

FBI number: 4K8PAM5KX

Complete description of auto: Washington State Driver's License # 533S7243B

Investigative agency and address: DEA, West Palm Beach, Florida

Name and telephone numbers (office and cell) of pretrial services or probation officer (if applicable): _____

Date of last contact with pretrial services or probation officer (if applicable): _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Bond Recommendation

CASE NO. 21-MJ-8011-BER

Defendant's Name: Oscar Daniel MARTINEZ-Nunez, a/k/a "Fresa,"

PTD
(Personal Surety)(Corporate Surety) (Cash) (**Pre-Trial Detention**)

By:

AUSA: Adam C. McMichael

Last Known Address:

What Facility:

